

REMARKS

Reconsideration and allowance based on the foregoing amendments and following remarks are respectfully requested.

By this Amendment, Applicants have amended claims 1-13. In particular, independent claims 1 and 8 have been amended to positively recite that the message communication includes one or more messages sent from or to a mobile station without setting up an end-to-end connection. Support for the amendments to claims 1 and 8 may be found, for example, on page 2, paragraph 7, of the specification. In addition, claims 1-13 have been amended to clarify the recited subject matter and to remove the means-plus-function language. Support for the amendments to these claims may be found, for example, on pages 13-17, paragraphs 49-61 and in FIGS. 1-6. No new matter has been added. After entry of this Amendment, claims 1-13 will remain pending in the present application, of which claims 1 and 8 are the sole independent claims.

I. Claim Rejections – 35 U.S.C. §102(b)

Claims 1-6 and 8-12 were rejected under 35 U.S.C. §102(b) based on Hentilä *et al.* (U.S. Pat. No. 6,044,259) (“Hentilä”). The rejection is respectfully traversed.

Independent claim 1 is patentable over Hentilä because it recites a method for charging intelligent network subscribers for message communication wherein, *inter alia*, the message communication includes one or more messages sent from or to a mobile station without setting up an end-to-end connection. Hentilä clearly does not describe a method including at least this feature.

Hentilä discloses a system for charging calls in a telephone network. (See col. 3, lines 29-31). Hentilä further discloses that the charge for a call is made during the call on the basis of charging pulses and charging information about the call given by the Service Control Point (SCP). (See col. 3, lines 45-51). Moreover, Hentilä specifically discloses that the charge for the call is made when an end-to-end connection is established. (See col. 7, lines 1-12).

Hentilä remains silent, however, as to the feature of being able to charge for messages when an end-to-end connection is not established. In particular, according to Hentilä’s teaching, nothing would be charged when a message is sent from or to a mobile station without setting up an end-to-end connection. In addition, by virtue of specifically requiring

an established end-to-end connection to charge for the call, Hentilä teaches away from the combination of elements recited in claim 1. Therefore, Hentilä does not disclose, teach or suggest a method as recited in claim 1.

Moreover, as best understood, none of the references of record cure the deficiencies of Hentilä noted above. As such, none of the references of record, whether alone or in reasonable combination, can be construed to render claim 1 unpatentable. Also, claims 2-7 are patentable over Hentilä by virtue of their dependency from claim 1 and for the additional features recited therein.

With regard to independent claim 8, Applicants note that this claim is patentable over Hentilä for at least the same reasons discussed above with respect to claim 1. That is, Hentilä does not teach or suggest a telecommunication system comprising, *inter alia*, a network configured to provide message communication, the message communication including one or more messages sent from or to a mobile station without setting up an end-to-end connection. Additionally, for the reasons indicated with respect to claim 1, neither Hentilä nor the remaining references of record, taken alone or in reasonable combination thereof, can be construed as rendering claim 8 unpatentable. Claims 9-13 are patentable over Hentilä by virtue of their dependency from claim 8 and for the additional features recited therein.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-6 and 8-12 under 35 U.S.C. §102(b) based on Hentilä are respectfully requested.

II. Claim Rejections – 35 U.S.C. §103(a)

Claims 7 and 13 were rejected under 35 U.S.C. §103(a) based on Hentilä. The rejection is respectfully traversed.

As discussed above, independent claims 1 and 8 are clearly patentable over Hentilä, and, as best understood, over all references of record. Thus, because claim 7 depends from claim 1, claim 7 is patentable over Hentilä for at least the same reasons related to claim 1, as well as for the additional features recited therein. Similarly, claim 13 depends from claim 8 and is therefore patentable over Hentilä for at least the same reasons related to claim 8 and for the additional features recited therein.

Accordingly, reconsideration and withdrawal of the rejection of claims 7 and 13 under 35 U.S.C. §103(a) based on Hentilä are respectfully requested.

III. Conclusion

All matters having been addressed, Applicants respectfully request the entry of the Amendment, the Examiner's reconsideration of this application, and the issuance of a notice of allowance indicating the allowability of pending claims 1-13. If anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner contact Applicants' undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 
CARLO M. COTRONE
Reg. No. 48715
Tel. No. (703) 905-2041
Fax No. (703) 905-2500

CMC/CFL
P.O. Box 10500
McLean, VA 22102
(703) 905-2000